IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6555 OF 2003

Ramhari Nivrutti Bhise.. ... ... Petitioner.

Versus

The State of Maharashtra & Ors. .... Respondents.

Mr. A. P.Kulkarni for the Petitioner.

Mr. P. I. Khemani, AGP for Respondent Nos.1 and 2.

CORAM : V.G. PALSHIKAR, and V.R.KINGAONKAR, JJ.

DATED : 28TH FEBRUARY, 2006.

P.C.:

By this petition, the Petitioner has challenged the order passed by the Maharashtra Administrative Tribunal rejecting his original application by which he had questioned his non-selection for the promotional post of Excise Sub-Inspector. He also alleged that persons junior to him in length in service were promoted and he was ignored. Reply was filed to the application before the Tribunal and it was contended that the Government Resolution dated 21st February, 1994 laid down the classification for recruitment or promotion to the post of Sub-Inspector

in the State Excise Department. This criteria was universally applied. The case of the Petitioner was considered and he was found not fit. According to the Petitioner there is nothing adverse to him on the record. Certainly, there is no communication to him of any adverse remark and consequently it cannot be said that the Petitioner was not fit.

2. The Tribunal after considering all these contentions found in para 5 that the criteria was fixed by resolution, that the Petitioner was duly considered for promotion to that post, the consideration was seniority-cum-fitness and the Petitioner was not fit on merit for promotion. There is no averment anywhere in the reply nor there is any finding in the order that the Petitioner was not considered because of certain adverse remark existed on his record. Factually, the Administrative Tribunal called for and examined the Departmental Promotional Committee record and was satisfied that the Petitioner was duly considered but found unfit and therefore not promoted. In such circumstances, we see no reason why any interference is called for. This petition fails and hence rejected. Rule discharged. No order as to costs.

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